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EXAMINER

HILTON, ALBERT

ART UNIT

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4171

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,109	Applicant(s) KIENER ET AL.	
	Examiner Albert Hilton	Art Unit 4171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a first action on the merits. Claims 1-17 are pending.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10580109, filed on 5/19/2006.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 recites the limitation "the counterpressure roller" in line 2. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then

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narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 13 recites the broad recitation “rapidly detachable connection,” and the claim also recites “in particular, by means of a lever-actuated eccentric clamp” which is the narrower statement of the range/limitation.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-5, 7, 9-12, 14, and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by ESSER (US Patent No. 4279949).

9. Regarding claim 1, ESSER discloses a dosing device (**scraper 5, sharp-edged end 6, entrance flank 7**) that is arranged on an application roller (**support roller 2**) such that an adhesive sump (**trough**) is provided between the device and roller (ESSER: column 4, lines 42-51, column 6, lines 64-66 and Fig. 1). Said device (**5, 6, 7**) is arranged at a desired distance from the roller (**2**) so as to adjust the width of the dosing gap (ESSER: column 5, lines 4-19). The dosing device (**5, 6, 7**) of ESSER

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comprises multiple areas (**5, 6, 7**) that differ from each other and are optionally directed and arranged toward the application roller (**2**) in order to create a dosing gap jointly with the roller (**2**) (ESSER: column 6, lines 23-34 and Fig. 1, 5).

10. Regarding claim 2, ESSER discloses a dosing device (**scraper 5, sharp-edged end 6, entrance flank 7**) in which the areas (**5, 6, 7**) can differ from each other (ESSER: column 6, lines 24-26), and are selected by rotating the dosing device (**5, 6, 7**). Said areas (**5, 6, 7**) are oriented toward the application roller (**support roller 2**) (ESSER: column 6, lines 23-34 and Fig. 1, 5).

11. Regarding claim 3, one of the areas of the dosing device (**scraper 5, sharp-edged end 6, entrance flank 7**) of ESSER comprises a doctor blade as an active part (**sharp-edged end 6**) (ESSER: column 1, lines 29-33).

12. Regarding claim 4, the device of ESSER comprises at least one further area provided as an external surface area (**entrance flank 7**) (ESSER: column 6, lines 23-63 and Fig. 1).

13. Regarding claim 5, the device of ESSER comprises an edge of a doctor blade (**sharp-edged end 6**), the external surface (**entrance flank 7**) and the surface of the application roller (**support roller 2**) are smooth (ESSER: Fig. 1-2).

14. Regarding claim 7, ESSER discloses a dosing device (**scraper 5, sharp-edged end 6, entrance flank 7**) in which a selected area of the device (**sharp-edged end 6, entrance flank 7**) is arranged toward the surface of an application roller (**support roller 2**) by a mechanical controller device (ESSER: column 5, lines 29-36).

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15. Regarding claim 9, ESSER discloses a dosing device in which, upstream of the application roller (**support roller 2**) in the supply direction of the substrate web (**1**), a guiding roller (**guide roller 3**) is provided for the adjustment of an arc of contact of the web (**1**) to the application roller (**2**) (ESSER: column 4, lines 37-41 and Fig. 1).

16. Regarding claim 10, ESSER discloses a dosing device in which an external surface area is part of a roller wall section (**entrance flank 7**) (ESSER: column 6, lines 23-63 and Fig. 1).

17. Regarding claim 11, the doctor blades (**sharp-edged end 6**) of the device of ESSER are adjusted to a dosing gap (**pressing zone**) width (ESSER: column 3, lines 40-56).

18. Regarding claim 12, ESSER discloses a device in which the doctor blades (**sharp-edged end 6**) are directed at an angle larger or smaller than 90° with respect to the application roller (**support roller**) (ESSER: column 4, lines 65-68 to column 5, lines 1-3 and Fig. 1,2).

19. Regarding claim 14, ESSER discloses a dosing device in which the different areas (**scraper 5**, **sharp-edged end 6**, **entrance flank 7**) of the dosing device are evenly distributed about its circumference (**roll body 12**) (ESSER: Fig. 5).

20. Regarding claim 16, ESSER discloses a dosing device in which the set angle of the doctor blade (**flank 6**) can be adjusted in a mechanical fashion (ESSER: column 4, lines 65-68 to column 5, lines 1-3 and column 5, lines 25-39).

21. Regarding claim 17, ESSER discloses a dosing device for the application of adhesive to a substrate web (**1**) with an application roller (**support roller 2**) comprising

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a smooth surface, a dosing device (**scraper 5, sharp-edged end 6, entrance flank 7**) according to claim 1 that is allocated to the application roller (**2**), and a counterpressure roller (**guide roller 3**) opposite to the application roller (**2**) that carries a substrate web (**1**) (ESSER: column 4, lines 31-41, column 5, lines 20-28, and Fig. 1-2).

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over ESSER in light of DAHLGREN (US Patent No. 3647525).

24. ESSER discloses a dosing device with an application roller (**support roller 2**), but makes no mention of a counterpressure roller adjusted to have an equal or unequal speed.

25. However, DAHLGREN teaches that by varying the speed of an applicator roller (**transfer roller 3**) with respect to the speed of an adjacent counterpressure roller (**backup roller 24**) (DAHLGREN: Fig. 4), the amount of liquid film applied to a web substrate can be adjusted in a web coating apparatus (DAHLGREN: column 2, lines 27-47, column 7, lines 22-27, and Fig. 4).

26. One of ordinary skill in the art, motivated by a need to regulate the amount of liquid applied to a web substrate, would have found it prima facie obvious at the time of

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the invention to incorporate the variable-speed counterpressure roller of DAHLGREN into the dosing device of ESSER.

27. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over ESSER in light of REMER (US Patent No. 3565039).

28. ESSER discloses a dosing device that meets the limitations of claim 1, but does not disclose any kind of temperature-regulating facility.

29. However, REMER discloses a web substrate coating facility (**unit 20** and **shell 22**) arranged outside a system of rollers (**26, 27, 24**) that comprises a temperature-regulation coil (**coil 32**) (REMER: column 3, lines 36-70 and Fig. 1). REMER further teaches that temperature regulation of the region around the coating apparatus can facilitate various coating operations by, for example, evaporating a solvent vehicle which is absorbed by the web (REMER: column 3, lines 69-75 to column 4, lines 1-7).

30. One of ordinary skill in the art, motivated by a need to deliver a dosed coating comprising a solvent vehicle to a web substrate would have found it obvious at the time of the invention to place the dosing device of ESSER into the temperature-regulated facility of REMER, with the reasonable expectation that such a modification would allow for the rapid evaporation of the solvent.

31. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over ESSER in light of NORDBY (US Patent No. 6637330).

32. ESSER discloses a dosing device that meets the limitations of claim 3, and further teaches that the doctor blades (**sharp-edged end 6**) are replicable (ESSER,

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column 5, lines 65-66), but does not disclose doctor blades that are connected to the body by a rapidly detachable lever-actuated eccentric clamp.

33. However, the use of such clamps to hold doctor blades is known in the art, as exemplified by NORDBY. NORDBY discloses a dosing device with doctor blades **(4)** that can be detached by turning a lever **(handle 35)** that actuates an eccentric clamp **(clamping rail 5, beam 3)** (NORDBY: column 10, lines 13-28, Fig. 13a-d). NORDBY further teaches that said doctor blades wear down rapidly (NORDBY: column 1, lines 41-55).

34. One of ordinary skill in the art, motivated by a need to maintain a sharp working surface on the doctor blades, would have found it obvious at the time of the invention to use lever-actuated eccentric clamps to affix doctor blades to the scrapers **(5)** of ESSER, with the expected result that such a modification would allow for worn working surfaces to be replaced quickly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert Hilton whose telephone number is (571)-270-5519. The examiner can normally be reached on Monday through Friday, with alternate Fridays off, 8:00-4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Barbara Gilliam can be reached on 571-272-1330. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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